IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARISTA. RECORDS LLC, et al.,	Civil Action No. 1:04-cv-12434-NG (Consolidated Docket No.)
Plaintiffs,	
-v.-	Civil Action No. 1:07-cv-10834- NG (Original Docket No.)
DOES 1-21,	
Defendants.	

DECLARATION IN SUPPORT OF DEFENDANTS' MOTION TO QUASH SUBPOENA

Under penalty of perjury, I, Jesse Robert Stengel, hereby depose and say that:

1. I have extensive experience in the field of computer science, as follows:

   a. I am employed as a Support Systems Analyst for the Electrical and Computer Engineering Department at the University of Arizona, Tucson, Arizona.

   b. I am professionally certified by the Computing Industry Technology Association as A+, Network+, and iNet+ and until recently was certified by Cisco Systems as a Cisco Certified Network Associate (CCNA).

   c. I work professionally in the field of computer and network support.

b. I was principal chair in the Northern Arizona regional orchestra my senior year of high school, and was accepted to the University of Arizona on a music scholarship. During the course of my music study I took many classes and private lessons on music theory and critical listening.

c. I interned at the University of Arizona recording studio and learned there about sound theory, and further developed critical listening skills, in particular in relation to detail in recordings.

3. I have reviewed the Declaration of Carlos Linares filed in the above referenced law suit and disagree with several statements made by Mr. Linares under penalty of perjury.

4. Mr. Linares stated that plaintiff record companies were able to listen to sound files downloaded from college student computers over the internet using P2P software and determine that the sound files were illegal. Mr. Linares's statements could not be true since it is impossible to know through listening if a given copy of a sound file is legal or illegal. Legal copies on a student's computer are typically obtained by the student ripping a CD they legally own and legally converting the format, for example to MP3 format, or by downloading a sound file from an online, paid subscription service. Illegal copies are normally obtained by borrowing and ripping a friend's CD or downloading a sound file over the Internet from an unauthorized source. Mr. Linares claimed that files were copied from students' computers by plaintiffs agent

5. Mr. Linares also stated under penalty of perjury that the plaintiffs determined the IP address at a point in time for each computer which was storing the allegedly illegal sound files and from which plaintiffs downloaded the allegedly illegal files and subpoenaed universities to provide the names of the users uniquely associated with those IP addresses. This statement is untrue because an IP address, even coupled with a time stamp, cannot uniquely identify a computer or a user. The reason is an extremely prevalent technology called Network Address Translation, or NAT. NAT translates one or more public, routable IP addresses in to one or more private, non-routable (as per IETF RFC 1918) addresses. This allows a large number (potentially as many as 16 million) computers to operate through a single IP address. There is no way to tell what is behind a NAT, or indeed if one is in place. They are extremely common in both the corporate world and at home as a method for dealing with IP shortages. Most homes use a "router" from a company like Linksys, Dlink, or Netgear which allow them to connect multiple devices to the Internet over a home connection that typically provides only a single IP address. Many of these are coupled with a Wireless Access Point (WAP), allowing devices with built in WiFi (which includes nearly every laptop computer on the market) to access the Internet through that connection without a physical connection. Since most people are not very knowledgeable in computer security, the majority of WAPs have weak or no security. This means that anyone in physical proximity to the WAP (about 100 meters) can connect and use it. This means people living next door, or in a car parked nearby can use the connection without the

I declare under the perjury laws of the United States of America that the foregoing is true and correct.

Executed on July 6, 2007 in Tucson, Arizona

Jesse Robert Stengel